IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.15224 of 2006

Dated: August 17, 2006

Between:

Sri Srinivasa Educational Society, rep. by its Secretary,
D.No.5-210, Main Road, Peda- Talla Polam,
Ramachandrapuram, E.G. District.

… Petitioner

And

A.P. State Council of Higher Education, rep. by
its Secretary, Masab Tank, Hyderabad.

… Respondent

Order:

Petitioner, by this writ petition, seeks Mandamus to declare the action of the respondent in not deputing Inspection Committee to inspect, submit a report and accord approval for starting a private un-aided degree college from the academic year 2006-07 as arbitrary and illegal. A consequential direction to the respondent is sought to depute Inspection Committee and accord approval for starting such college.

2. Heard Mr. Meka Rajasekhara Reddy, learned counsel for the

petitioner and Mr. C. Sudesh Anand, learned Standing Counsel for the Andhra Pradesh State Council of Higher Education.

3. Petitioner, a society registered under the A.P. Societies Registration Act, intended to start an un-aided degree college in Ramachandrapuram Mandal, East Godavari District. Pursuant to the notification issued for the last academic year, i.e., 2005-06, it had applied to the respondent for starting such college. However, the respondent has rejected the request of the petitioner, pointing out the following deficiencies:

(1) Accommodation is falling short by 2142 Sq. ft.

(2) The management is planning to construct first floor for classrooms.

4. The case of the petitioner is that after the respondent has communicated about the aforesaid deficiencies, it had rectified those deficiencies by taking necessary steps and increasing the accommodation. To that effect, the petitioner is said to have made representation dated 28-01-2006 to the respondent to reconsider its proposal for establishing a degree college. Now it is alleged that no action is being taken by the respondent.

5. Though no counter affidavit has been filed, learned Standing Council for APSCHE submits that the APSCHE, in its 66th meeting held on 06-02-2006, resolved to consider the case of the managements who made applications for the academic year 2005-06. A copy of the minutes of the said meeting has been placed before this Court, wherein it is stated that it is resolved to send re-inspection teams to consider the proposals of the managements whose proposals were kept in abeyance or rejected on marginal deficiencies for the academic year 2006-07 on payment of re-inspection fee and subject to

fulfillment of other conditions. On the other hand, it is also stated that no steps are being taken pursuant to the orders passed by this Court in *W.P.M.P.No.9580 of 2006 in W.P.No.7470 of 2006.*

6. As much as it is stated that the A.P. State Council of Higher Education has decided to consider such of the applications, which were rejected for the last academic year on marginal deficiencies, subject to fulfillment of requisite conditions, I dispose of the writ petition directing the respondent to take further steps following the orders of this Court in in *W.P.No.7470 of 2006*. There shall be no order as to costs.

JUSTICE R. SUBHASH REDDY.

August 17, 2006
MRR